

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

Tony Buchner,

Petitioner, Case No. 23-12185

v.

Judith E. Levy
United States District Judge

Adam Douglas,

Mag. Judge Kimberly G. Altman

Respondent.

_____/

**OPINION AND ORDER GRANTING PETITIONER'S
REQUEST TO DISMISS WITHOUT PREJUDICE HIS
HABEAS PETITION [14]**

This is a pro se habeas case brought pursuant to pursuant to 28 U.S.C. § 2254. Before the Court is Petitioner's request to dismiss his pending habeas petition so that he may return to the state courts and pursue further challenges to his state criminal proceedings. (ECF No. 14.) The Court previously denied Petitioner's motions to stay the proceedings and hold the case in abeyance and to administratively close the case. (ECF Nos. 9, 13.) Given that Petitioner seeks to exhaust additional issues in the state courts and given that he has sufficient time to do so within the one-year statute of limitations applicable to federal

habeas actions, dismissal of the present petition is appropriate. Accordingly, the Court GRANTS Petitioner's request to dismiss his habeas petition (ECF No. 14), and DISMISSES WITHOUT PREJUDICE the petition. (ECF No. 1.)

This case is CLOSED. Should Petitioner wish to seek federal habeas relief following the exhaustion of additional state court remedies, he must file a new habeas petition in federal court within the time remaining on the one-year limitations period.

IT IS SO ORDERED.

Dated: April 17, 2024
Ann Arbor, Michigan

s/Judith E. Levy
JUDITH E. LEVY
United States District Judge

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or first-class U.S. mail addresses disclosed on the Notice of Electronic Filing on April 17, 2024.

s/William Barkholz
WILLIAM BARKHOLZ
Case Manager